

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
Northern DIVISION

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2006 MAR 28 P 2:33

Alverene D. Butler

Plaintiff

DEBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALABAMA

The Alabama ^{v.} Dept. of Transportation
~~Mark T. Waits, Dist. Engr., in his~~
~~individual and official capacity,~~
~~Patrick T. Jackson, Supervisor, in his~~
~~official and individual capacity, and~~
~~Joe McInnes, Director, in his~~
official capacity. Defendant(s)

Jury Trial Demanded

2:06CV 278-MEF

COMPLAINT

1. Plaintiff resides at 3600 Farrar St., Montgomery, AL 36105
2. Defendant(s)' name(s) Alabama Dept. of Transportation, Joe McInnes,
Director of ALDOT, Mark T. Waits, Dist. Engr., & Patrick T. Jackson, supervisor.

Location of principal office(s) of the named defendant(s) 1409 Coliseum Blvd.

Nature of defendant(s)' business State Highway Department

Approximate number of individuals employed by defendant(s) Approx. 1500 or more

3. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is specifically conferred on the Court by 42 U.S.C. § 2000e-5. Equitable and other relief are also sought under 42 U.S.C. § 2000e-5(g), 42 U.S.C. § 1981 and
42 U.S.C. § 1983.
4. The acts complained of in this suit concern:

1. ☐ Failure to employ me.
2. ☒ Termination of my employment.
3. ☒ Failure to promote me.
4. ☒ Other acts as specified below: Racial discrimination,

retaliation, bias treatment compared to white female employee, and
deprivation of property rights and liberty interest in job.

5. Plaintiff is:

- A. ☒ Presently employed by the defendant.
☒ Not presently employed by the defendant. The dates of employment were
July, 1994 to Dec., 2005. Employment was terminated because:

- (1) ☒ Plaintiff was discharged, constructively
(2) ☐ Plaintiff was laid off.
(3) ☒ Plaintiff left job ~~voluntarily~~ due to Constructive Discharge,
constant retaliation and discrimination.

6. Defendant(s)' conduct is discriminatory with respect to the following:

- A. ☒ My race.
B. ☐ My religion.
C. ☒ My sex.
D. ☐ My national origin.
E. ☐ Other, as specified below: _____

7. The name(s), race, sex, and the position or title of the individual(s) who allegedly discriminated against me during the period of my employment with the defendant company is (are) Mark T. Waits, white male, Dist. Engr.

Patrick T. Jackson, white male, Project Engr.

Joe McInnes, Director of ALDOT

8. The alleged discrimination occurred on or about continuing from 1998 through 12-22-05

9. The nature of my complaint, i.e., the manner in which the individual(s) named above discriminated against me in terms of the conditions of my employment, is as follows: _____

I suffered sexual harassment by a supervisor and filed charges against the Department. Since that time I have been subjected to unwarranted retaliation in the form of reprimands, letters of written counsel, deprivation of sick leave, low job performance Appraisals, alteration of time sheets, (causing a reduction in pay), and other harsh treatment. Some of these effects also came about after I reported wrongdoing of a white female co-worker. I have qualified for promotions that, as of the date of my constructive discharge, I did not receive, but which white employees similarly situated have received, even though these employees had less time on the job and less experience.

10. The alleged illegal activity took place at the Department's jobsite on Hwy. 31, the Department's Project office, and the District 3 Project Office.

11. I filed charges with the Equal Employment Opportunity Commission regarding defendant(s)' alleged discriminatory conduct on or about April 27, 2005. I have attached a copy of the Notice-of-Right-to-Sue letter issued by the Equal Employment Opportunity Commission. This letter was received by me on 12-29-05.
12. I seek the following relief:
- A. ☒ Recovery of back pay.
- B. ☒ Reinstatement to my former job,
and any other relief as may be appropriate, including injunctive orders, damages, costs,
and attorney's fees.

Date: 3-27-06

Almerene D. Butler
Signature of Plaintiff

3600 Farrar St.
Montgomery, AL 36105
Address & Telephone Number of Plaintiff
(334) 269-4825 - hm.
(334) 546-3445 - cell

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Alverene Dixon Butler**
2137 Beverly Drive
Montgomery, AL 36111

From: **Birmingham District Office**
Ridge Park Place
1130 22nd Street South
Suite 2000
Birmingham, Alabama 35205



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

130-2005-04330**Kevan J. Jackson, Investigator****(205) 212-2128**

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans with Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.



While reasonable efforts were made to locate you, we were not able to do so.



You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -


(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this Notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Enclosure(s)


 Bernice Williams-Kimbrough, District Director

12/28/05
 (Date Mailed)

cc:

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